

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,416	08/11/1999	JONATHAN DORFMAN	EWG-087	1373

7590 08/25/2004

FOLEY,HOAG & ELIOT LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

EXAMINER

HUYNH, THU V

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/372,416

Applicant(s)

DORFMAN, JONATHAN

Examiner

Thu V Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE filed on 07/12/2004 to application filed on 08/11/1999.
2. Claim 4 is amended.
3. Claims 16-17 are added.
4. Claims 1-17 are pending in the case. Claims 1, 4-6, 10 and 16-17 are independent claims.
5. The rejections of claims 1, 3-13, and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al., US 6,516,338 B1 priority filed 01/26/1999, in view of HotScripts, http://hotscripts.com/JavaScript/Scripts_and_Programs/Banner_Rotation/, <http://java.script.internet.com/messages/banner-ads.html>, and <http://www.hotscripts.com/Detailed/105.html>, updated 06/25/1999, pages 1-6, have been withdrawn in view of reconsideration.
6. The rejections of claims 2 and 14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of HotScripts as applied to claims 1 and 11 above, and further in view of "HTML 4.0", XP-002191626, revised on 04/24/1998, as supplied by Applicant in IDS filed on 05/29/2002, have been withdrawn in view of reconsideration.

Claim Objections

7. Claim 3 is objected to because of the following informalities:

Art Unit: 2178

Regarding dependent claim 3, which is dependent on claim 1, the use of "said web page contain HTML code" has typographical error. Verb "contain" should be "contains". Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1, 3-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al., US 6,516,338 B1 priority filed 01/26/1999.

Regarding independent claim 1, Landsman teaches the steps of:

- a web browser which can retrieve files, interpret JavaScript, and display web pages (Landsman, abstract; and col.11, lines 38-58; a web browser which can retrieve advertisement, JavaScript files; executing the JavaScript file; and displaying web page through the web browser);
- a first internet server which includes a web page that includes an advertising macro tag (Landsman, col.11, lines 38-41; and fig.1B, box 13; web site

Art Unit: 2178

(contents) server 13 which includes a web page that includes an advertising tag);

- a second internet server which includes a JavaScript file (Landsman, col.11, lines 38-41; col.16, lines 53-57; and fig. 1B, box 15; JavaScript file is stored on agent server (distribution server));
- an advertisement server which provides advertisements in response to links from said browser (Landsman, abstract; and fig.1B, box 20 and communication 18)
- said macro tag including a link to said second internet server (Landsman, col.11, lines 38-41; and fig.1B, box 45; advertising tag references to the JavaScript file "loaded.js" which is stored on the distribute server "http://unicast_ad_server.com");
- said JavaScript file including a link to said advertisement server, whereby said JavaScript file is executed and an advertisement is displayed each time said browser accesses said web page (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; and correspond figures; Landsman teaches executing the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream. Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file "loadad.js" located at server "<http://unicast.com>". Second component is a

URL reference to an advertisement server http://Ad Management_system.

When a user requests a web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet).

Regarding dependent claim 3, which is dependent on claim 1, Landsman and HotScripts teach the limitations of claim 1 as explained above. Landsman teaches wherein said web page contains HTML code (Landsman, abstract; col.11, lines 38-58; and fig.2A).

Regarding independent claim 4, Landsman teaches a method linking to an advertisement server from a web page, including on a web page a macro tag with a link to a file on a command server, said file including JavaScript commands which include a link to said advertisement server, whereby advertisements called for by said macro tag are displayed (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.16, lines 53-57; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14;

Art Unit: 2178

fig.1B, boxes 13 and 15 and other correspond figures; Landsman teaches including on web page 35 an advertising tag (macro tag) 40 with a link to a JavaScript file which is stored on agent/distribution server. Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file "loadad.js" located at server "<http://unicast.com>". Second component is a URL reference to an advertisement server <http://Ad Management system>. When a user requests the web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form "transition sensor applet" 210. Landsman specifies that "These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40" (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the "transition sensor applet" 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet. Landsman teaches executing the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream).

Regarding independent claim 5, Landsman teaches a system includes browsers which link to web pages, comprising a command server which includes a command file with links to advertisement server, said web pages including macro tags which direct browsers to retrieve said command file on said command server, whereby said browsers

Art Unit: 2178

are directed to retrieve advertisements from said advertisement server when they access a web page (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.16, lines 53-57; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; fig.1B, boxes 13 and 15 and other correspond figures; Landsman teaches including on web page 35 an advertising tag (macro tag) 40 with a link to a JavaScript file (command file) which is stored on agent/distribution server (command server). Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file “loadad.js” located at server “<http://unicast.com>”. Second component is a URL reference to an advertisement server <http://Ad Management system>. When a user requests the web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet. Landsman teaches browser executes the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream).

Regarding independent claim 6, Landsman teaches a method for displaying an advertisements on a user's computer in response to commands in a macro tag on a web page which is accessed by an internet browser on said user's computer (Landsman, abstract, col.11, lines 38-58; and fig.1B, box 13), said system comprising:

- a first server with a file that contains a series of commands that can be executed by said browser (Landsman, col.11, lines 38-41; col.16, lines 53-57; and fig. 1B, box 15; JavaScript file that contains command is stored on agent/distribution server that can be executed by the browser); and
- a second server that contains said advertisement (Landsman, abstract; and fig.1B, box 20, advertisement server contains the advertisements);
- a link to said file in said macro tag (Landsman, col.11, lines 38-41; and fig.1B, box 45; advertising tag references to the JavaScript file "loaded.js" which is stored on the distribute server "http://unicast_ad_server.com"),

whereby when said macro tag is executed by said browser, said file is retrieved and said link in said file is executed to retrieve said advertisement and to display said advertisement on said user's computer (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.16, lines 53-57; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; fig.1B, boxes 13 and 15 and other correspond figures; Landsman teaches including on web page 35 an advertising tag (macro tag) 40 with a link to a JavaScript file (command file) which is stored on agent/distribution server (command server). Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file "loadad.js" located at server "<http://unicast.com>". Second component is a URL reference to an advertisement server <http://Ad>

Art Unit: 2178

Management system. When a user requests the web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet. Landsman teaches browser executes the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream).

Regarding dependent claim 7, which is dependent on claim 6, Landsman and HotScripts teach the limitations of claim 6 as explained above. Landsman teaches wherein said file contains JavaScript commands (Landsman, col.11, lines 38-41; col.16, lines 53-57; and fig. 1B, box 15; JavaScript file that contains command is stored on agent/distribution server that can be executed by the browser).

Regarding dependent claim 8, which is dependent on claim 6, Landsman and HotScripts teach the limitations of claim 6 as explained above. Landsman teaches

Art Unit: 2178

wherein said advertisement is a gif-image or Java applet (Landsman, col.3, lines 52-60 and col.10, lines 1-10).

Regarding dependent claim 9, which is dependent on claim 6, Landsman and HotScripts teach the limitations of claim 6 as explained above. Landsman teaches wherein said file contains JavaScript (Landsman, col.11, lines 38-41; col.16, lines 53-57; and fig. 1B, box 15; JavaScript file that contains command is stored on agent/distribution server that can be executed by the browser).

Regarding independent claim 10, Landsman teaches a system where users access web page using a browser, a web page that includes a macro tag with a reference to a file on a first server, whereby said browser links to said file when said web page is processed by said browser, said file including a link to an advertisement server having an advertisement in a file, whereby said advertisement is displayed by said browser when said file is processed by said browser (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.16, lines 53-57; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; fig.1B, boxes 13 and 15 and other correspond figures; Landsman teaches including on web page 35 an advertising tag (macro tag) 40 with a link to a JavaScript file (command file) which is stored on agent/distribution server (command server). Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file “loadad.js” located at server “<http://unicast.com>”. Second component is a URL reference to an advertisement server [http://Ad Management system](http://AdManagement_system). When a user requests the web page that includes advertisement tag

Art Unit: 2178

40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet. Landsman teaches browser executes the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream).

Regarding dependent claim 11, which is dependent on claim 10, Landsman and HotScripts teach the limitations of claim 10 as explained above. Landsman teaches wherein said file contains Javascript (Landsman, col.11, lines 38-41; col.16, lines 53-57; and fig. 1B, box 15; JavaScript file that contains command is stored on agent/distribution server that can be executed by the browser).

Regarding dependent claim 12, which is dependent on claim 10, Landsman and HotScripts teach the limitations of claim 10 as explained above. Landsman teaches wherein said macro tag contains a series of HTML statements (Landsman, fig.2A, box 40).

Regarding dependent claim 13, which is dependent on claim 11, Landsman and HotScripts teach the limitations of claim 11 as explained above. Landsman teaches wherein said macro tag contains a series of HTML statements (Landsman, fig.2A, box 40).

Regarding dependent claim 15, which is dependent on claim 11, Landsman and HotScripts teach the limitations of claim 11 as explained above. Landsman teaches wherein said system determines the characteristics of said browser and executes instruction compatible with said browser's characteristics to display said advertisement (Landsman, col.12, lines 45-49; and col.21, lines 58-65; displaying advertisements depend on different user computer browsing platforms).

Regarding independent claim 16, Landsman teaches a system for displaying advertisements comprising the steps of:

- a web browser which can retrieve files, parse HTML code and display web pages (Landsman, abstract; and col.11, lines 38-58; a web browser which can parses the HTML code to retrieve advertisement, JavaScript files by executing the JavaScript file in a web page and displaying the web page through the web browser);
- an advertisement server which provides advertising content (Landsman, abstract; and fig.1B, box 20);
- a JavaScript file which includes a link to said advertisement server and commands for requesting the advertisement content from the advertisement

(Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; and correspond figures; Landsman teaches executing the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream. Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file “loadad.js” located at server “<http://unicast.com>”. Second component is a URL reference to an advertisement server <http://Ad Management system>. When a user requests a web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet);

- a web page server which includes a web page that includes a tag, the tag including a reference to the JavaScript file (Landsman, col.11, lines 38-41;

and fig.1B, box 13; web site (contents) server 13 which includes a web page that includes an advertising tag);

- whereby, the JavaScript file is executed and the advertising content is displayed each time the browser access the web page (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14).

Regarding independent claim 17, Landsman teaches a method for referencing to an advertisement server from a web page, the method comprising the steps of:

- including in the web page a reference to a file (Landsman, col.11, lines 38-41; and fig.1B, box 13; web site (contents) server 13 which includes a web page that includes an advertising tag);
- including in the file a link to said advertisement server and JavaScript commands for requesting an advertisement from the advertisement server (Landsman, col.9, line 62 – col.10, line 9; col.11, line 32 – col.12, line 31; col.17, line 50 – col.18, line 47; col.19, line 61 – col.20, line 14; and correspond figures; Landsman teaches executing the JavaScript file to instantiate an agent implement Java applet at client browser to download advertising files from a third-party advertising server; and subsequently displaying and playing advertising files through the browser in response to a user click-stream. Landsman teaches advertisement tag 40 has two components. First component 42 is a reference to a JavaScript file “loadad.js” located at server “<http://unicast.com>”. Second component is a URL reference

Art Unit: 2178

to an advertisement server http://Ad_Management_system. When a user requests a web page that includes advertisement tag 40, the browser executes the JavaScript file to dynamically write applet tags to form “transition sensor applet” 210. Landsman specifies that “These tags, which collectively form Transition Sensor applet 210, include a reference to a specific ad manager system as specified in the second portion of advertisement tag 40” (Landsman, col.19, line 61 – col.20, line 14). These inherently teach that the second component 44 of advertisement tag 40 is a parameter, which must be passed to the JavaScript file in order to instruct the dynamically writing of the “transition sensor applet” 210 that includes the second component 44 of advertisement tag 40 in the transition sensor applet).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

Art Unit: 2178

commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2 and 14 remain rejected under 35 U.S.C. 102(e) as being unpatentable over Landsman as applied to claims 1 and 11 above, and further in view of “HTML 4.0”, XP-002191626, revised on 04/24/1998, as supplied by Applicant in IDS filed on 05/29/2002.

Regarding dependent claim 2, which is dependent on claim 1, Landsman and HotScripts teach the limitations of claim 1 as explained above. Landsman teaches wherein said macro tag has commands to access said advertisement (Landsman, col.18, lines 36-41). However, Landsman does not explicitly teach wherein said macro tag has commands to access said advertisement server *if said web browser does not have the capability of executing JavaScript*.

HTML 4.0 teaches using noscript element to provide alternate content when a user browser does not support script, the user still retrieve data through a link (HTML 4.0, page 244, section 18.3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined HTML 4.0 into Landsman and HotScripts to provide advertisements to the user browser even the user browser does not have the capability of executing JavaScript, since noscript tag is used to alternate content when a script is not executed and was well known in the art to give a solution when browsers do not support script languages.

Regarding dependent claim 14, which is dependent on claim 11, Landsman and HotScripts teach the limitations of claim 11 as explained above. Landsman teaches wherein said macro tag includes a line to said advertisement server (Landsman, col.18, lines 36-41). However, Landsman does not explicitly teach wherein said macro tag includes a line to said advertisement server *which is executed if said browser can not execute Javascript*.

HTML 4.0 teaches using noscript element to provide alternate content when a user browser does not support script, the user still retrieve data through a link (HTML 4.0, page 244, section 18.3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined HTML 4.0 into Landsman and HotScripts to provide advertisements to the user browser even the user browser does not have the capability of executing JavaScript, since noscript tag is used to alternate content when a script is not executed and was well known in the art to give a solution when browsers do not support script languages.

Response to Arguments

11. Applicant's arguments filed on 07/12/2004 have been fully considered but they are not persuasive.

Applicants argue that, "If Landsman were modified to include such reference in the JavaScript file, then a separate JavaScript file would be required for each plurality of ad servers".

Art Unit: 2178

Examiner agrees. The combination provides a different implementation to retrieve and display advertisement even it “requires storing multiple JavaScript files for each of available ad server” as applicants specified. However, Landsman teaches providing/including a reference to the ad server in the JavaScript file as explained in the rejection above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al., US 2003/0120729 A1, filed 08/1997, teaches HTTP server for an image input device.

Newman et al., US 6,085,229, filed 05/1998, teaches system and method for providing client side personalization of content of web pages.

Roberts et al., US 6,754,693 B1, filed 05/1996, teaches method to allow users and representatives to conduct simultaneous voice and joint browsing sessions.

Tilden, Jr. et al., US 6,449,635 B1, filed 04/1999, teaches electronic mail deployment system.

Davis et al., US 2002/0099812 A1, teaches method for tracking client interaction with a network resource and creating client profiles and resource database.

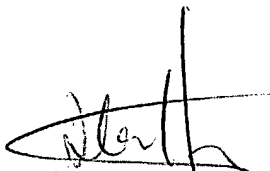
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 273-4126. The examiner can normally be reached on Monday to Friday.

Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 273-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
August 20, 2004



STEPHEN S. HONG
PRIMARY EXAMINER